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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,253

09/28/2005

G Eric Engstrom

109909-145060

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11/16/2006

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EXAMINER

NGUYEN, HUNG T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/551,253

Applicant(s)

ENGSTROM ET AL.

Examiner

HUNG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5-8 & 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson (U.S. 6,323,775).

Regarding claim 1-3 & 5-7, Hansson discloses a mobile communication device / wireless & mobile device (10) [ figs.1-3, col.2, line 60 to col.3, line 7 and col.4, lines 29-60 ] comprising:

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- a battery device (11) is used in the mobile device (10) which having battery monitor circuit (12) to detect a low battery signal / battery running out of energy / battery failure [ figs.1-3, col.4, lines 29-60 and col.5, lines 27-54 ]
- a memory (18) coupled with a controller unit (13) communicates with speaker (15), display (16), the battery monitor (12) for monitoring the low battery condition which is programmed in the memory device (18) or program functions (34) to provide audible signal / speaker (15) and visual indication over the display monitor (16) of the mobile device to inform a user (60) that the battery device (11) falls below predetermined level and need to recharge [ figs.1-3, col.5, lines 40-62 and col.8, lines 10-25 ];
- a user may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

Regarding claim 8, Hansson discloses the memory (18) coupled with a controller unit (13) communicates with speaker (15), display (16), the battery monitor (12) for monitoring the low battery condition which is programmed in the memory device (18) or program functions (34) to provide audible signal / speaker (15) and visual indication over the display monitor (16) of the mobile device to inform a user (60) that the battery device (11) falls below predetermined level and need to recharge [ figs.1-3, col.5, lines 40-62 and col.8, lines 10-25 ];

- the user may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

Regarding claim 11, Hansson discloses the mobile communication device / wireless telephone (10) is used to communicate with friends, relative, family or for his business is inherently [ figs.1-3, col.2, line 60 to col.3, line 7 and col.4, lines 29-60 ].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (U.S. 6,323,775) in view of Layson Jr. (U.S. 5,731,757).

Regarding claim 4, The reference of Hansson does not specifically mention the communication device having a motion sensor for detecting the change in altitude as claimed by the applicant.

However, Layson, Jr. teaches an attitude indicator and activity monitoring device (12,20) having a motion / position sensor for detecting the acceleration of an object is changed which could be used in a cellular phone or wireless communication [ fig.6A, col.4, lines 7-13 and col.6, lines 6-16 ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Layson, Jr. in the system of Hansson to detect the mobile communication having experienced a rapid changed in altitude position.

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (U.S. 6,323,775) in view of Murphy (U.S. 6,236,326)

Regarding claims 9-10, Hansson discloses the user (60) may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

The reference of Hansson does not specifically mention the logic may perform as placing a call and sending message to a designated party as claimed by the applicant.

However, Murphy discloses a mobile communication device / wireless telephone comprising a battery device (26) is used in the mobile device which having battery

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monitor circuit (25) to detect a low battery signal / battery running out of energy / battery failure [ figs.1-2, col., col.3, lines 48-57 and col.4, line 63 to col.5, line 12 ];

- a logic in a form of a controller unit (27) communicates with voice data control circuit (23) , the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [ figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Murphy in the system of Hansson to place a call and sending message to a designated party / family member, business member, friends as programming in the memory device when the battery falls below predetermined level.

6. Claims 12-16 & 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (U.S. 6,323,775) in view of Snell (U.S. 5,383,091).

Regarding claim 12, Hansson discloses a mobile communication device / wireless & mobile device (10) [ figs.1-3, col.2, line 60 to col.3, line 7 and col.4, lines 29-60 ] comprising:

- a battery device (11) is used in the mobile device (10) which having battery monitor circuit (12) to detect a low battery signal / battery running out of energy / battery failure [ figs.1-3, col.4, lines 29-60 and col.5, lines 27-54 ]
- a memory (18) coupled with a controller unit (13) communicates with speaker (15), display (16), the battery monitor (12) for monitoring the low battery condition which is programmed in the memory device (18) or program functions (34) to provide audible signal / speaker (15) and visual indication over the display monitor (16) of the mobile device to inform a user (60) that the battery device (11) falls below predetermined level and need to recharge [ figs.1-3, col.5, lines 40-62 and col.8, lines 10-25 ];
- a user may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

The reference of Hansson does not specifically mention the communication device / wireless telephone includes an interchangeable cover as a cover body as claimed by the applicant because that part is inherently and / or minor thing and that is not primary subject of the invention.

Furthermore, Snell teaches a handheld electronic telecommunication device is provided with a grip and protective casing (20) which covers front face and a back face to prevent scratching of the telephone device [ figs.4,6, col.2, lines 23-61 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Snell in the system of Hansson to protect or secure the telephone device from scratching or damaging and serving cushion the telephone impact when it set down or dropped.

Regarding claims 13-16, Hansson discloses the memory (18) coupled with a controller unit (13) communicates with speaker (15), display (16), the battery monitor (12) for monitoring the low battery condition which is programmed in the memory device (18) or program functions (34) to provide audible signal / speaker (15) and visual indication over the display monitor (16) of the mobile device to inform a user (60) that the battery device (11) falls below predetermined level and need to recharge [ figs.1-3, col.5, lines 40-62 and col.8, lines 10-25 ];

- the user may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

Regarding claim 20, Snell discloses the protective casing (20) which covers front face and a back face to prevent scratching of the telephone device in the form of U-shaped is cited in figs.1,4 & 6.

Regarding claim 21-22, Snell discloses the protective casing (20) which covers front face and a back face to prevent scratching of the telephone device or damaging and serving cushion the telephone impact when it set down or dropped [ figs.4,6, col.2, lines 23-61 and abstract ].

7. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (U.S. 6,323,775) in view of Snell (U.S. 5,383,091) further in view of view of Murphy (U.S. 6,236,326)

Regarding claim 17, Hansson discloses the user (60) may respond to a recharge notification signal (15,16) as the low battery condition by activate keypad buttons (17) to conserve space, speed processing, other data information as identification data (27) which has been programmed / instructions in the memory (18) [ fig.2. col.5, line 55 to col.6, line 26, lines 58 to col.7, line 7, col.7, line 58 to col.8, line 9 ].

The reference of Hansson & Snell do not specifically mention the logic may perform as placing a call and sending message to a designated party as claimed by the applicant.

However, Murphy discloses a mobile communication device / wireless telephone comprising a battery device (26) is used in the mobile device which having battery monitor circuit (25) to detect a low battery signal / battery running out of energy / battery failure [ figs.1-2, col., col.3, lines 48-57 and col.4, line 63 to col.5, line 12 ];

- a logic in a form of a controller unit (27) communicates with voice data control circuit (23) , the battery monitor (25) for monitoring the low battery condition which is programmed in the memory device (24) and forward a recorded message to the party with whom the wireless subscriber is speaking that the call is about to be terminated due to depletion of the wireless telephone's battery pack (26) [ figs.1-2, col.2, lines 44-62, col.4, lines 29-44 and col.5, lines 13-29 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Murphy in the system of Hansson & Snell to place a call and sending message to a designated party / family member, business member, friends as programming in the memory device when the battery falls below predetermined level.

Regarding claim 18, Hansson discloses the mobile communication device / wireless telephone (10) is used to communicate with friends, relative, family or for his business is inherently [ figs.1-3, col.2, line 60 to col.3, line 7 and col.4, lines 29-60 ]; and

Murphy discloses the mobile communication device / wireless telephone is used to communicate with friends, relative, family or for his business [ fig.1, col.1, lines 7-19 ].

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (U.S. 6,323,775) in view of Snell (U.S. 5,383,091) further in view of Layson Jr. (U.S. 5,731,757).

Regarding claim 19, Both Hansson & Snell do not specifically mention the communication device having a motion sensor for detecting the change in altitude as claimed by the applicant.

However, Layson, Jr. teaches an attitude indicator and activity monitoring device (12,20) having a motion / position sensor for detecting the acceleration of an object is changed which could be used in a cellular phone or wireless communication [ fig.6A, col.4, lines 7-13 and col.6, lines 6-16 ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Layson, Jr. in the system of Hansson & Snell to measure & sense the mobile communication having experienced a rapid changed in altitude position.

### **Arguments & Responses**

9. Applicant's argument filed on 9/26/2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

### Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN  
PRIMARY EXAMINER**



Examiner: Hung T. Nguyen

Date: Nov. 14, 2006